

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, AUGUST 10, 2009
7:00 PM

Mayor Randy Voller called the meeting to order at 7:00 p.m. and called for a brief moment of silence.

ATTENDANCE

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Hugh Harrington, and Chris Walker.

Staff present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, Assistant Planner Paul Horne, Finance Director Scott Borrer, and Police Chief David Collins.

APPROVAL OF AGENDA

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the Agenda as submitted.

Vote Aye-5 Nay-0

CEREMONIAL AGENDA

1. Letter of Appreciation to Mark Tirone, Wastewater Plant Superintendent.

Mayor Voller read the Letter of Appreciation to Mark Tirone, the Wastewater Plant Superintendent, into the record as follows:

“The Board of Commissioners and I were very disappointed to hear the news regarding your decision to resign your position as the Wastewater Treatment Plant Superintendent and return to the State of Colorado to work and live. You have made a significant contribution to our utility operations and you will be greatly missed by the Board and by the Utility Department staff.

You came to this position on August 18, 2008, and in just under one year you have made significant improvements in the operational effectiveness of our wastewater treatment plant. The Board of Commissioners has been very impressed with your technical expertise and with your team building skills over the past year. When you came to this job, you very quickly assessed the operational deficiencies at our wastewater treatment plant and began to take simple corrective actions almost

immediately. One key to your success was quickly gaining the trust and confidence of the other members of the wastewater plant staff and involving them directly in the corrective actions that needed to be accomplished. We have also been impressed with your willingness and ability to share your technical knowledge with the staff and to help them acquire the necessary training to become more skilled at their work.

You were also very instrumental in the development of the plans and specifications of the upcoming Wastewater Treatment Plant Improvement Project. Your thorough and critical review of the draft plans and specifications led to the addition of several key elements to the scope of work that will make a significant difference in the productivity enhancements that will result from this project. We are truly sorry that you will not be here to oversee and manage the completion of this work.

The Board of Commissioners and I wish to express our sincere appreciation for your professionalism, leadership and dedication to the Town's utility operations over the past year. While we hate to see you go, we wish you the best of luck in your new endeavors in Colorado.

Sincerely,
Randolph Voller, Mayor"

Commissioner Harrington remarked that losing Mr. Tirone was a big loss to the Town and it would be difficult to find as competent a replacement.

CONSENT AGENDA

The Consent Agenda contained the following items:

1. Approve minutes of the July 27, 2009 regular meeting.
2. Amendment to the Zoning Ordinance regarding landscaping requirements for non-residential development. (Setting a public hearing for August 24, 2009.)
3. Amendment to Sections 5.2.1 and 5.3.3.29 of the Zoning Ordinance to establish supplemental development standards for large retail establishments. (Setting a public hearing for August 24, 2009.)
4. Approve a Resolution Supporting the Chatham County Agricultural and Industrial Fair.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Consent Agenda as submitted.

Vote Aye-5 Nay-0

A RESOLUTION SUPPORTING THE CHATHAM COUNTY AGRICULTURAL AND INDUSTRIAL FAIR IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 105

REGULAR MEETING AGENDA

Citizens Matters

Rita Cileo, 356 May Farm Road, read a statement regarding the upcoming Bow and Arrow Urban Archery Season, summarized as follows:

- The Urban Archery Season is in response to automobile accidents, deer-related damage to urban landscaping/gardens, and tick-borne diseases.
- The best solutions to problems often blamed on deer involve using solutions that work long term.
- For automobile accidents, install wildlife warning highway reflectors called Strieter-Lite Reflectors that are designed for installation along the edges of roadways to divert headlights of approaching vehicles at right angles into the surrounding terrain, with the purpose being to reflect light from headlights and thereby preventing wildlife from crossing the road until the vehicle had passed. More information available at www.strieter-lite.com.
- The Federal Highway Administration's Hazard Elimination Program can cover 80% of the cost of reflectors.
- Killing deer does not prevent collisions with surviving deer, and in fact would increase collisions as deer are spooked and run into the road.
- Because deer are drawn to open areas beside roadways to eat low brush and saplings, clearing broad areas next to roads and reducing foliage that might attract them would cause deer to be less apt to spend time near roads.
- Wildlife corridors and greenways that connect to larger natural areas have been very effective elsewhere by providing safe passage for animals under and over roads.
- The American Lyme Disease foundation does not recommend killing deer to control Lyme Disease because many animals other than deer carry Lyme Disease. Damminix Tick Tubes have been proven to control deer ticks through a 10-fold reduction of exposure to a tick that could give you Lyme Disease. More information at www.ticktubes.com.
- Deer kills rarely if ever destroy all deer in an area, because surviving animals continue to reproduce and more migrate from outside the area. The only thing killing deer would do is to reduce the number of deer feeding on vegetation for a short time. Deer fencing, driveway guards, gate systems, and individual netting and mesh for individual trees are very effective. More information at www.wildlifecontrol.com.
- Keeping humans and free-living animals alive and safe is a communal responsibility. The above suggestions are inexpensive and ethically sound.
- The Police have enough to do without monitoring hunters, and there was always the possibility of children or others being killed by a stray arrow.

Ms. Cileo ended her statement by saying that hunting does not belong in Town, and respectfully requested that the Board reconsider the consequences that could occur from such a program.

Gerald Haines, 274 May Farm Road, said that he agreed with Ms. Cileo's statements, and presented the Board with a petition signed by residents of Potterstone asking that the Town reconsider the Urban Archery Program. He stated that the Town should provide a safe refuge for

families and children, and any and all hunting within the Town should be prohibited. Mr. Haines asked that the Board reconsider its decision to allow deer hunting in Town.

Jamie Kozlowski, 161 Davie Street, said she was a homeowner and business owner in Town and was concerned with maintaining the historic nature of the Town. She said that recently a lot on Small Street between East and Chatham Streets was cleared, and she had watched a large canopy oak tree be cut down. Ms. Kozlowski said the lot was cleared to increase property value and salability, but there were no building plans in the works and no prudent reason to remove the tree. Ms. Kozlowski said she believed in preserving landowner freedoms, but believed the Town Board needed to consider putting an ordinance in place to preserve valuable natural assets to the Town. She said that large trees provided scenery, shade, and landscaping that took decades to grow, and many builders did not consider tree preservation an option. Ms. Kozlowski said if builders did not consider it, then the Town Board needed to take action.

OLD BUSINESS

1. Manager's Update on Capital Projects.

Town Manager Bill Terry provided the following update on Capital Projects:

- 3M Reclaimed Water System Project – A construction progress meeting was held on August 4, and installation of the transmission line from the Wastewater Treatment Plant to the 3M Plant was completed. Pressure testing of the lines is to take place within one week, and modifications to the Wastewater Treatment Plant are scheduled to begin on August 11 and should be completed in about one month. The concrete footings for the 500,000 gallon storage tank were scheduled to be poured around August 5 and the steel components of the tank should begin arriving at the site on or about August 17. The project was ahead of schedule and may be completed as early as the end of November rather than January 2010 as previously predicted.
- Short-term Wastewater Treatment Plant Improvement Project – Advertisement for bids was published on August 6, and a pre-bid conference was scheduled for Tuesday, August 18 at 9 a.m. The bid opening was scheduled for Thursday, September 3 at 2 p.m. The LGC had already met on the stimulus package products, of which this was one, and had approved it. The funding was half grant/half loan, with the loan being a 20-year no interest loan, fixed principle so that the payment would be the same for the life of the loan. The cost would be approximately \$65,000 a year for 20 years.

Mayor Voller said regarding the 3.22 MGD Wastewater Treatment Plant Construction, a letter had been inserted in the packet and asked was that just for information. Mr. Terry said that was correct, noting that the primary issue was that they were awaiting a letter from the County Manager to confirm that the County was in support of the project and willing to work with the Town to make it a successful project. He said he would be following up on that with the County Manager.

Mr. Terry said in regards to the Powell Place Park, aka Pittsboro Town Park, the bid opening was held on July 30, and a recommendation to award the bid was on the agenda for consideration tonight.

Commissioner Brooks said on September 3rd they were going to open bids on the sewer plant. Mr. Terry replied that was correct. Commissioner Brooks asked what the name of the group was in Durham that was handling the bids. Mr. Terry replied Sterns & Wheeler.

2. Request for Water Bill Adjustment: Case of Paul and Deborah Hinton.

Mr. Terry stated that Ernest Hinton, 198 Salisbury Street had recently appeared before the Board to ask for relief on an excessive water bill that was the result of a water pipe leak. Mr. Terry stated they had put together a reasonable payment plan, noting that plan had excused the sewer charges and late fees and the payments were spread out over 30 months to lessen the impact to the Hinton's. He stated that the Board could choose to take another direction, and if so they could amend the draft letter so that the issue could be closed out.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin (for discussion) to adjust the Hinton's bill to charge \$341.00 instead of \$1851.52 outstanding for the water leak, based on the fact that would more than cover the cost to the Town incurred by that breakage that this was an extraordinary circumstance.

Commissioner Harrington stated he believed that was a reasonable charge to the Hinton's because charging \$1 per 1,000 gallons in this case, which turned out to be \$341.00, which would cover the Town's cost. He stated the leak occurred between the house and the meter under extremely cold conditions, and that based on the calculations provided by the Finance Director the \$341.00 would more than cover the cost to the Town. Commissioner Harrington said he believed that was a reasonable reduction and a fair price to charge the Hinton's.

Commissioner Walker stated he would be voting Nay on the motion. He said it had been the policy of the Board for many years that they adjust the sewer but bill for the water in such instances. Commissioner Walker said that he believed doing what had been done in the past was the right thing to do, and every dollar in revenue the Town lost in water and sewer was another dollar passed on to all citizens. He said there had been other cases before the Board that had similar circumstances and those citizens had been required to pay.

Vote Aye-1 (Commissioner Harrington) Nay-4

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the letter drafted by the Finance Director which stated that a sewer credit of \$2,253.63 would be applied to the Hinton's account and the outstanding amount due would be spread over 30 months and charged in the monthly bill, and that all late fees and penalties had been waived.

Commissioner Bryan said the reason he was in favor of that was because he believed, as stated by Commissioner Walker, that they should continue the policy used in the past and that they not set any precedent for the future.

Mayor Voller said he understood the policy of the Board, but had hoped the Board would consider some flexibility in that policy. He said he did believe the work done by the Finance

Director and Commissioner Harrington was good in terms of coming to a variable cost. Mayor Voller called for the vote.

Vote Aye-4 Nay-1 (Commissioner Harrington)

3. Establishment of a Town of Pittsboro Grants Committee.

Mr. Terry stated that at the July 13 meeting there was some discussion about establishing a Grants Committee, and the Board had asked that he bring back a recommendation on how to establish such a committee. He stated that he and the Finance Director had discussed it in detail and how the committee could be formed to be the most useful, and an outline had been provided in the packet. Mr. Terry stated they had provided a basic charge, and that once formed the committee would make a first report within 60 days. He stated they were suggesting that the committee include one Board member, Finance Director Scott Borrer, and up to five volunteers. Mr. Terry stated that the Town Clerk would advertise for volunteers and suggested that the committee's first order of business would be to choose a chair from among its members, and that chair would facilitate the meetings and make subsequent reports to the Board.

Mr. Terry stated that the committee members would be asked to actively participate in the administrative preparation of any grant applications it recommended. He said the committee would have a sunset date of about six months and would then be disbanded unless the Board took specific action to extend its charge for an additional period of time.

Commissioner Harrington stated that he believed it had been well researched and the recommendations good ones.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to establish a Town of Pittsboro Grants Committee as outlined in the Manager's memorandum.

Vote Aye-5 Nay-0

4. Bellemont Point Preliminary Plat, Phase 1A & 1B.

Planner David Monroe stated that the application was brought back to the Board as a result of the grant award from federal stimulus funds the Town had recently received. He said that Ricky Spoon's original application was tabled to allow Mr. Spoon to work with his attorney and the Town's attorney to develop a contract with the Town to pre-pay some required fees so that the Town could proceed with improvements to the wastewater treatment plant. Mr. Monroe said when the stimulus funding was granted, the issue of funding for those improvements were resolved and brought the application back for consideration by the Board. He said that Mr. Spoon had agreed that the review and potential approval of the preliminary plat was no guarantee of the reservation of wastewater capacity. Mr. Monroe said the plan before the Board satisfied the issues raised by the Planning Board for recommendation and approval of the plan.

Mayor Voller asked what exactly was being recommended or being advised. Mr. Monroe said if Mr. Spoon's project was approved he would need slightly over 30,000 gallons of capacity and Patrick Steele would need an additional 19,800 gallons of capacity to accomplish all phases of

their projects. Mr. Monroe added the calculation was done using 120 gallons per bedroom, so the total may actually be less. He said another factor was that even if approval was awarded to both Mr. Spoon and Mr. Steele, neither of those two projects would be in a position to be delivering any wastewater to the plant until slightly over a year from now.

Commissioner Walker requested to recuse himself due to the possibility of an appearance of a conflict of interest.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to recuse Commissioner Walker from the discussion and any action on the Bellemont Point Preliminary Plat, Phase 1A and 1B.

Vote Aye-4 Nay-0

Ricky Spoon requested that the Board approve the preliminary plat on the same grounds as those of Mr. Steele. He said he understood the hurdles they would need to face regarding the sewer capacity just mentioned.

Mayor Voller said if the Board approved the application on the same grounds as Mr. Steele, then would he be satisfied. Mr. Spoon replied he would.

Commissioner Harrington asked how far was the road at the top right corner of the plat from the barricade. Mr. Spoon responded about 600 feet past the barricade.

Mr. Terry asked Mr. Monroe to clarify that what was before the Board tonight had no allocation of sewer tied to it. Mr. Monroe confirmed that the matter before the Board tonight would not allocate any capacity unless the Board wanted to do so.

Mayor Voller said what the Board had heard was that Mr. Spoon would be satisfied if the Board granted approval on the same grounds as Mr. Steele's approval and move forward. Mr. Spoon said that was correct.

Commissioner Baldwin said the Planning Board recommended that the Board stipulate that the Erosion Control Plan had to be approved by DENR. Mr. Monroe said that was correct.

Commissioner Harrington said it was noted that there were fire hydrant locations that exceeded the maximum distance, and asked would that be addressed in the final plat. Mr. Monroe said it would be addressed in the construction drawings.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the preliminary plat for Bellemont Point Phase 1A & 1B without any allocation for sewer at this time, and that the Erosion Control Plan had to be approved by DENR.

Vote Aye-4 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to readmit Commissioner Walker to the meeting.

Vote Aye-4 Nay-0

NEW BUSINESS

1. Recreation fees in lieu of dedication of public parkland.

Mr. Monroe said he had asked Town Attorney Paul Messick to do some research with regard to a proposed increase in fees paid by developers in lieu of dedicating public recreation land. He stated the staff recommendation was an incremental increase in the fee from \$500 per lot to \$1,000 per lot in Town and \$1,100 per lot in the ETJ. Mr. Monroe said that the Planning Board concurred with staff and recommended an incremental increase and requested that the fees be revisited each year as a part of the budget process. He said that Mr. Messick's research indicated that the Town could reasonably justify increasing that fee to \$1,500 in Town and \$1,600+ in the ETJ.

Commissioner Walker asked if the ordinance contained language to make sure that the land the Town received was acceptable for parkland. Mr. Monroe replied that language was already contained in the subdivision regulations. He said that the difference in recommended fees was because land values were generally a little higher in the ETJ because the lots were larger.

Mr. Messick said he felt they had to have the same rate in both the Town and the ETJ unless you could justify it. Mr. Monroe said he believed the Planning Board was more inclined to set one fee. Mr. Messick said it would be his suggestion to have one fee for both.

Commissioner Walker asked was Mr. Monroe recommending \$1,000 or \$1,100. Mr. Monroe replied \$1,000.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the Planning Board recommendation with the fee set at \$1,000 for lots in Town and in the ETJ.

Commissioner Brooks asked would that affect only subdivisions and not individual lots. Mr. Monroe said that was correct. Commissioner Brooks asked him to refresh the Board's memory of the difference between a major and a minor subdivision as far as the number of lots. Mr. Monroe explained that the number of lots in a major subdivision was more than five as long as they were platted on existing streets. He said if a new street was required to plat the lots it would automatically be considered a major subdivision regardless of the number of lots. Commissioner Brooks said five or less would be a minor subdivision. Mr. Monroe said that was correct.

Commissioner Baldwin asked if the motion needed to stipulate that the fee would be reviewed during budget deliberations. Commissioner Walker stated his motion said to approve the Planning Board recommendation and that was contained in that recommendation.

Vote Aye-5 Nay-0

2. Bid Award: Pittsboro Town Park. (Project Manager, Paul Horne).

Mr. Terry said it was disappointing that the bids did not come in under budget, but they were encouraged that they had a very good design for the project. He said his recommendation was to accept the bid from Scotia, Inc. in Cary, NC so that the Town could proceed with the project. Mr. Terry said he made that recommendation because he believed the project would be a positive enhancement for the Town and the amount of money was only about 10 cents on the dollar for the cost of the park. He said the Town had allocated \$30,000 to rough in the plumbing for the future restrooms, and the additional funds being requested tonight would increase that sum to around \$97,000 on what would essentially be a million and a half dollar park including the value of the land donation and the \$450,000 PARTF grant. Mr. Terry said he was comfortable making that recommendation to deliver a project that the Town would be proud of. He then explained the differences between the four resolutions, noting that Resolution A was recommended for adoption. Mr. Terry added that they had included \$25,000 as contingency for unexpected costs during construction.

Commissioner Harrington said they had a certain amount of funds earmarked for recreation, and asked what that balance was. Assistant Planner Paul Horne said he believed the balance the last time he had checked was about \$77,000, adding that the Spoon project (Bellemont Point) would bring in \$42,000.

Mr. Terry stated he believed they would need to do some research to provide a complete answer to that question. Mr. Horne agreed, noting he was estimating based on his memory.

Commissioner Harrington said he remembered when they were discussing the bathrooms they had been told that there was money available dedicated for recreation, and asked how much they had used. Mr. Terry stated they had used only \$30,000 of that.

Commissioner Harrington said regarding Alternate 3, the outer path noted at \$19,000 was not considered in the base price, correct? Mr. Horne said that was correct. Commissioner Harrington said then that \$19,000 was a supplement to the colored area on Alternate 3. Mr. Horne said that was correct, and pointed that path out on the map. He said the paths would be six feet wide and asphalt paved through the secondary section. Mr. Horne said the other alternates were the concrete seat wall and the curbing around the play area that would contain the mulch and/or sand within the play area and reduce maintenance costs. Commissioner Harrington asked if the numbers listed were the amounts that the Scotia company bid for the various parts. Mr. Horne responded yes, adding that they had included the alternate bids in the bid package.

Mayor Voller asked about the variance of 24% between the low and high bid. He said that seemed like quite a bit of variance for such a small project. Mr. Terry replied that he did not find that unusual, and in fact it was fairly common in construction bidding to see variances such as that. He said many times bids came in high, with contractors taking the chance that there would not be a lot of bidders and a higher bid might be accepted. Mr. Terry said lower bids could be explained by a contractor's proximity to the project, in that equipment and manpower would not have to be transported over long distances resulting in higher expenses.

Commissioner Harrington asked if in the other bids where the pieces were individually bid was there much variation. Mr. Horne stated they had seen some of that.

Commissioner Walker said that the Scotia bid was \$409,500, and they had add-ons of \$67,500 for a total of \$478,000. Mr. Horne said that was correct. Commissioner Walker said the grant was \$450,000, so they were \$28,000 short. He said Mr. Terry was also including a 5% contingency, or \$25,000. Mr. Terry said that was correct, noting he believed that 5% would be adequate rather than the typical 10% usually added.

Finance Director Scott Borrer said of the General Fund balance, they had roughly \$20,000 dedicated to equipment for park equipment and roughly \$55,000 for general parks & recreation items? He said that the ordinance options before the Board were all related to a transfer from the General Fund undedicated funds rather than capital reserve, and the Board could choose to amend the ordinance to use reserve as opposed to unreserved funds and amend the draft ordinance to reflect that.

Commissioner Harrington said he would personally be more comfortable if they had the money set aside rather than pulling more funds from the General Fund. He said if they had money set aside for recreation that seemed like the reasonable funds to spend. Commissioner Harrington said they could certainly do without that extra trail down in the woods, but believed the extra \$2,200 for the curbing was reasonable and would likely decrease maintenance costs.

Motion made by Commissioner Harrington to approve the project plus alternate 1 & 2 only, subject to funds coming out of the dedicated Recreation Fund balance, and not including the \$19,000 additional trail.

Mr. Terry said that would be Option B, or Resolution B.

Mr. Horne asked Mr. Borrer about the land dedication by Ricky Spoon and Patrick Steele. Mr. Borrer stated the quoted figures did not include that. Mr. Horne stated the dedication in lieu of parkland to the town by Ricky Spoon would generate \$43,000, and the Steele property which also did not include a dedication of parkland would generate slightly less than \$30,000.

Commissioner Walker said he would not count on any of that because there was no guarantee those projects would ever get built and the funds would not be guaranteed to come to the Town.

Commissioner Harrington said they should have about \$75,000 remaining after subtracting the \$30,000 already dedicated. Mr. Monroe said the fees for Mr. Spoon and Mr. Steele would not be payable until the final plats were recorded, and that could be one or years out.

Commissioner Walker said he was still a little fuzzy about the numbers. He said they had a grant of \$450,000 and the bid was \$409,500 which was a difference of \$40,500. Commissioner Walker said the alternates included in the motion were \$48,500, and asked if that included the contingency. Mr. Horne responded yes. Commissioner Walker said then by his calculations they were only \$8,000 short.

Mr. Terry said that the non-bid obligations, which were the architects' fees of \$43,800 and the design for the playgrounds of \$60,000, were not included in that cost. He said they had pulled that out from the bid because it was cheaper for the Town to go directly to the individual contractor than to include it in the bid.

Mayor Voller said then the \$396,500 was the construction budget, the low bid was \$409,500, and then the adjusted shortfall and contingency was included at \$38,000. He asked was there some compelling reason why some of the alternates could not be done separately later on by another contractor and possibly getting that part done cheaper. Mr. Horne said they were doing the rest of the project now and they did not believe it would be cheaper to do other parts of the project later on. He said they wanted to take advantage of the opportunity to get those items done at the same time.

Commissioner Walker remarked he was still a little confused on the math. The Board held a brief discussion on how the figures were arrived at. Mr. Horne said his summary of the funding was comprehensive, noting that the \$450,000 was the PARTF grant, there was \$17,000 from Karen Hall, that the non-bid obligations was the design piece at \$103,850, the construction budget was \$396,500, and the low bid was above that but the absolute cost to build the project was \$513,350. Commissioner Walker said that was not including the add-ons for alternates 1 and 2 and potential cost overruns. Mr. Horne said that was correct. The Board went over the figures with Mr. Horne again so that all would understand how the cost was determined.

Commissioner Bryan asked what happened to the crowd of people who were dedicated to raising funds for the park. Mr. Horne replied that they had raised \$600.

Commissioner Brooks asked if it would be smart to table this until they had a better grasp of the math.

Mayor Voller said after Mr. Horne's explanation he believed they now understood that it was \$48,500 and that the motion was for that amount to come from the funds dedicated for recreation. Mr. Borrer said those funds would come from Capital Reserve funds established for General Fund activities which amounted to roughly \$75,000. Mayor Voller said it might be possible to pursue some additional funds from Galloway Ridge and Carolina Meadows because they were obligated based on their structure to give back to the community, and Pittsboro working with a 501(c)3 might be able to obtain some extra funds and make up some shortfalls later. He said they had about \$100,000 that was applied to projects in the County every year, and it was worth looking into.

Commissioner Baldwin seconded the motion.

Commissioner Brooks asked that the motion be repeated.

Commissioner Harrington restated his motion to proceed with funding the project with Option B which would include the playground seat wall and the playground curbing, and that the \$48,500 come from the Capital Reserve funds dedicated to recreation.

A RESOLUTION APPROVING OPTION B/RESOLUTION B IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 106

Vote Aye-5 Nay-0

3. Resolution to Accept Federal Stimulus Grant Funding for Community Oriented Policing Services Officer (COPS).

Mr. Terry stated they now had two approved grants for Police officers, one of which was being funded through the Governor's Highway Safety Fund. He said this grant was being funded through federal stimulus funds and was for a Community Oriented Policing Services Officer (COPS) for a three-year period in the amount of \$187,883. Mr. Terry added that there was no local match required for that grant.

Mr. Terry noted one correction, in that the memo stated that the only cost associated with the grant would be the retention of the position for a minimum of twelve months after the commencement of the grant. He said that should say twelve months, or a fourth year, after the grant is completed. Mr. Terry said that fourth year would cost the Town roughly \$45,000 including all benefits.

Mayor Voller asked would there be flexibility in that fourth year that would allow the officer to be used elsewhere if needed. Mr. Terry said the grant stipulated that the officer would remain in that position for that fourth year at the Town's expense.

Commissioner Harrington said the grant was just covering the salary but no vehicle. Mr. Terry said the grant did include a vehicle as well as all necessary equipment for that officer.

Commissioner Harrington said then this person had to be dedicated to community policing, but asked if there was a need for that officer to assist with other duties would that be possible. Police Chief David Collins said that person would be specializing in COPS but would be a Patrol Officer and able to participate in duties with other officers.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the resolution to accept federal stimulus grant funding for the Community Oriented Policing Services Officer.

Vote Aye-5 Nay-0

RESOLUTION APPROVING COPS FEDERAL STIMULUS GRANT FUNDING IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 107

Mayor Voller offered his congratulations that the hard work by Town staff had been successful, noting it was a great accomplishment.

4. Resolution to Accept Grant Funding for Traffic Enforcement Officer from the North Carolina Governor's Highway Safety Program.

Mr. Terry said this was a grant the Town had applied for last year but they were unsuccessful, but they had been successful this year. He stated the grant would provide a traffic enforcement officer and a vehicle for a three-year period of time, with an increasing level of local matching funds each year which was laid out in the memo along with the terms of the grant.

Mayor Voller asked if that was the grant that was brought forward during budget planning. Mr. Terry said that was correct, and the local match was budgeted.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve the resolution to accept grant funding for a Traffic Enforcement Officer from the NC Governor's Highway Safety Program.

Commissioner Harrington asked if they really needed another Police Officer in addition to the COPS officer. He said he was looking at the cost, noting one was fully funded for three years and this additional one would require an increasing financial commitment for the next three years. Chief Collins responded he would say most definitely that officer was needed, noting they had worked hard to get to this point and did not want to miss the opportunity.

Mayor Voller stated Commissioner Harrington had asked an excellent question, and asked what the current staffing level was. Chief Collins responded currently they had eight Patrol Officers, two Investigators and himself. He said if this grant was accepted by the Town, it would provide additional equipment, a vehicle, and manpower for the next three years.

Mr. Terry said that typically on any given day they had two officers on duty at one time, and possibly some additional staffing. He asked what types of problems were encountered due to absenteeism for illness, vacation, etc. Chief Collins said for example today there were only 3 working, an investigator, a patrol officer and himself, and they were all out answering calls. He said they did what they could to keep two officers on patrol but many times it was impossible to do so. Chief Collins said accepting the grant would help in reducing the cost of overtime, and would also allow them to keep two and possibly three officers available at all times. He said presently at times, especially during nighttime hours after 2 a.m., they had only one officer working which was very dangerous. Chief Collins said the Town was growing and their call volume was increasing, and they needed to be prepared to respond to those changing conditions.

Mayor Voller said there was a previous report that had indicated that the daytime population of the Town was three or four times their nighttime population. Chief Collins said that was correct, noting the population during daytime hours was around 15,000 and that many vehicles passed through the Town daily. Mayor Voller asked what the size was of the department when Chief Collins was serving as a Lieutenant. Chief Collins replied he had come to the department in 1983 and there were only five officers at that time including the Chief. He said the personnel had gradually increased to keep up with the ratio in growth of the Town.

Mayor Voller said he believed they should utilize the grants for community policing and perhaps other duties, and that the Board should consider approving this grant especially since it had been included in the adopted budget and the fact that the Governor's Highway Safety Grants were

incredibly competitive and difficult to obtain. Mayor Voller said they had been able to get both of the grants considered because of the hard work of staff and receiving this grant would be an advantage to the Town. He said he believed this was the first time the Town had ever obtained such a grant, and they should not miss the opportunity to utilize it.

Commissioner Baldwin said the Chief had indicated it could possibly be used for equipment. Chief Collins said the grant would include equipment and a vehicle, including a computer and a camera and any other equipment needed for that officer.

Commissioner Harrington said there were currently eight patrol officers so this would bring that total up to nine. He said with the Department of Justice grant, that total would rise to ten. Commissioner Harrington asked if a year from now they had to lay off an officer because funds had become much tighter, this grant would still be in effect so would that mean they would have to lay off the officer not covered by the full grant and keep the one covered by this partial grant. Chief Collins said that was correct.

Mayor Voller said he wanted to make it clear that would cover funding in the event the Town got into a tight spot and was forced to make a very difficult decision that no one wanted to make.

Commissioner Baldwin said instead of hiring a new person had they considered transferring one of the current officers into that position. Chief Collins stated the grant terms required the hiring of a new officer.

Vote Aye-5 Nay-0

RESOLUTION APPROVING THE GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 108

Mayor Updates

Mayor Voller noted that the EDC was holding its annual retreat tomorrow at the community college from 8 a.m. until noon, and that the RPO would be meeting on Thursday also at the community college at 1:30 p.m. He said that the Secretary of NCDOT would be attending and they would be touring the biofuels plant and then return to Town Hall around 2:50 p.m. Mayor Voller asked that all Board members that were available to please attend that meeting. He said the item regarding the Fairground Association had been approved along with the Consent Agenda, and there were no further updates from the Pittsboro Merchants Association.

Commissioner Concerns

Commissioner Walker said in regards to the deer hunting, he believed that Commissioner Brooks had indicated previously that the Town was already in the State Wildlife Program that was to begin this fall. Commissioner Brooks said that was correct.

Commissioner Walker asked how close they were to having ordinances ready. Mr. Terry stated they were about 75% complete in getting the Policies and Procedures manual written. He said

that the season did not open for another month and believed they would be able to get the deer policy out before that time.

Commissioner Brooks said he did not believe it would be difficult, noting that the NC Wildlife Commission could provide him with a regulation book at no cost, and if they did what those regulations indicated then the Town would be covered. Mr. Terry agreed, but stated that even though most people would comply with those rules they still had to articulate the administrative procedures about how deer hunting permits would be granted including how skills testing would be conducted to make sure they did not have amateur hunters hunting in Town.

Commissioner Walker asked if it would be helpful to Mr. Terry or Chief Collins to get four or five experienced hunters to assist in that. Mr. Terry stated they wanted to develop a scoring system to make sure they did not create a test that was so difficult that no one would pass it or so easy that anyone could pass it. He stated they had identified two local people who would be helping to test the theory of the scoring system.

Commissioner Harrington asked who those persons were. Mr. Terry said he did not recall the names. Commissioner Harrington said it was a great idea to have a rule that you had some identification on arrows used so that if arrows caused any damage they would know who was responsible.

Commissioner Walker said he believed there had been people from Potterstone and Chatham Forest who had expressed concerns about this program. He said he did not expect to see hunters running through neighborhoods shooting off arrows, noting he believed there had been a minimum acreage that hunting would be allowed on. Mr. Terry said they were working on that criterion now, noting there would be a minimum distance required from occupied dwellings and roads, and the hunters would be required to carry a letter of permission on their persons while hunting from the property owners stipulating what part of the property the hunters would be allowed to hunt on. He said he did not see hunters in neighborhoods with the possible exception of an area that might be undeveloped and was not close to homes. Mr. Terry stated there was a back corner of Powell Place that was totally wooded, and that belonged to the development company and they may elect to not allow any hunting. He said the program would be fairly restrictive, with hunting perhaps along sewer easements and undeveloped areas, and there would not be hunters in the middle of housing developments.

Commissioner Brooks said that the State rules stated that hunters had to have written permission from property owners to hunt on private land no matter what methodology was used. He said those rules also did not allow hunting from a right-of-way, which meant a road, so he believed the public would be well protected.

Commissioner Baldwin thanked the staff and the Board for reiterating the requirements regarding deer hunting. She also thanked the Board for adopting the resolution endorsing the Chatham County Agriculture and Industrial Fair.

Commissioner Harrington said he was curious about the impact on their budget regarding the State's announcement that it would be retaining some of their Beer and Wine Tax Revenue. He

asked if they had a dollar estimate of that, and if not to provide that at the next Board meeting. Mr. Borrer said that line item was budgeted at roughly \$12,000, and the Board had approved the sale of some surplus property at about \$6,000. He said with those additional funds there may not be any impact.

Mayor Voller reminded the Board to read the NCLM Legislative Bulletin of August 4, 2009 regarding Beer and Wine Tax Revenue Reductions.

FYI Items

1. Tax Collector's Annual Settlement.
2. OWASA Long-Range Water Supply Plan – Executive Summary.
3. North Carolina Wildlife Resources Commission letter of August 3, 2009; RE: Approval of the Pittsboro 3.22 MDG Wastewater Treatment Plant Environmental Impact Statement.
4. Email from Gary Simpson with concerns about the cutting of trees in Pittsboro.
5. Advertisement for Bids on the Wastewater Treatment Plant Improvement Project.
6. NCLM Legislative Bulletin of August 4, 2009; RE: Beer and Wine Tax Revenue Reductions.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Walker to adjourn the meeting at 8:41 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk